

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

YOTTA TECHNOLOGIES INC.,

Plaintiff,

v.

EVOLVE BANK & TRUST,

Defendant.

Case No. 24-cv-06456-TLT (TSH)

**DISCOVERY ORDER**

Re: Dkt. No. 122

The parties have filed a joint discovery letter brief at ECF No. 122. In it, Evolve asks for four types of relief:

Yotta should be (i) compelled to produce documents responsive to Evolve's Second Set of Requests for Production by December 8, 2025, (ii) prohibited from asserting these same objections to Evolve's Third Set of Requests for Production served on November 4, 2025 and Evolve's Fourth Set of Requests for Production served on November 18, 2025, and (iii) compelled to produce documents responsive to the Third and Fourth set of requests on their respective response deadlines. Further, Evolve requests that the Court order the parties to mutually exchange portions of joint discovery dispute letters upon the request of either party within twenty-hours and require filing within forty-eight hours absent consent of both parties to a longer filing deadline.

**A. Request 1**

With respect to the first form of relief requested, Evolve's second set of RFPs contains 31 RFPs. Evolve's section of the letter brief discusses RFP 33, which requests "All Communications and Documents evidencing any contemplated or actual offerings of Yotta's securities." Evolve states that Yotta's document production should have contained 409A valuations and that "[t]his is just one example" of the way in which Yotta's production in response to RFP 33 is deficient. But Evolve does not make any arguments that RFP 33 seeks documents that are proportional to the

1 needs of the case. “All Communications and Documents evidencing” seems like it would include  
2 every email that discusses any contemplated or actual offerings of Yotta’s securities. Why would  
3 it be logical to order Yotta to produce that? If this is damages discovery, and it seems like it  
4 probably is, why aren’t company valuations good enough? RFP 33 is very broad as drafted, and  
5 Evolve has not made any arguments that RFP 33 should be enforced as written.

6 There is a passing reference to RFP 50 in Evolve’s section of the letter brief, but no legal  
7 arguments about it. Evolve doesn’t specifically mention any of the other RFPs in its second set  
8 but instead just says: “Evolve’s Second Set of Requests for Production all plainly seek relevant  
9 information, including information that is critical to rebut Yotta’s damages claims in this case.”

10 That’s not good enough for a motion to compel. A motion to compel is supposed to  
11 discuss the discovery requests at issue and explain why they seek relevant and proportional  
12 discovery. You can’t just gesture in the general direction of a big pile of discovery requests and  
13 announce they’re all relevant. You have to discuss them. For example, RFP 36 requested: “All  
14 Communications and Documents describing or otherwise evidencing the corporate structure of  
15 Benjamin Financial Services, Co., including but not limited to any structural charts or indexes  
16 referring to director, officer and/or employee roles within the corporation. For avoidance of  
17 doubt, this Request encompasses documents from the formation of Benjamin Financial Services,  
18 Co. to March 4, 2020.” What is Benjamin Financial Services Co., and why is its structure  
19 relevant?

20 RFP 42 asked for “All Communications and Documents regarding or referring to any  
21 litigation financing or funding Yotta has received, or is seeking to receive or obtain, in connection  
22 with this Action.” How is litigation funding relevant? RFP 45 asked for: “All Communications  
23 and Documents discussing or evidencing changes or contemplated changes in Yotta’s business  
24 model, including but not limited to any decisions to expand or reduce services offered to  
25 consumers.” Why are all of the changes or contemplated changes to Yotta’s business model  
26 relevant? What is the relevance of the documents sought by RFP 46 (“All Communications and  
27 Documents identifying, discussing, or analyzing Yotta’s competitors.”)? Why should Yotta  
28 produce all the meeting minutes from all of its board of director meetings (RFP 59)? Why do we  
need to know every single time anyone at Yotta had an in person meeting with anyone at Evolve

(RFP 61)?

A motion to compel is supposed to contain legal arguments for why the discovery at issue is relevant and proportional. Evolve's motion is essentially empty of content and is therefore

**DENIED.**

**B. Request 2**

Evolve's second request is that the Court order that Yotta cannot make the same objections to Evolve's third and fourth sets of RFPs that it made in response to the second set. The parties did not provide Evolve's third and fourth sets of RFPs, so the Court does not know what objections to those RFPs would be proper. Yotta's objections to the second set of RFPs included assertions of attorney-client privilege and attorney work product, as well as objections based on relevance, vagueness, burden, and so on. Without having seen the third and fourth sets of RFPs, the Court does not see how it can preemptively rule that all such objections are improper.

Accordingly, Evolve's second request for relief is **DENIED.**

**C. Request 3**

Third, Evolve asks the Court compel Yotta to produce documents responsive to the third and fourth sets of RFPs and to do so on the day its responses to the RFPs are due. But Evolve does not say what the third and fourth sets of RFPs asked for and does not present any arguments for why that discovery is relevant and proportional to the needs of the case. Therefore, its request is **DENIED.**

**D. Request 4**

The Court **DENIES** this request as well. The parties have filed many joint discovery letter briefs, and there is no reason to think they need to be micromanaged in the way Evolve requests.

**IT IS SO ORDERED.**

Dated: December 5, 2025

  
THOMAS S. HIXSON  
United States Magistrate Judge